

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 362 of 1994

to

CRIMINAL REVISION APPLICATIONNo 364 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

TATA CHEMICAL LTD

Versus

SMT. JASHUBEN 'DUDA

Appearance:

MR PN BAVISHI for Petitioner
MR PV HATHI for Respondent No. 1
Mr M A Bukhari, APP for Respondent No. 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 17/01/97

ORAL JUDGEMENT

In this group of Criminal Revision Application, the question which arises for consideration is whether a petition under section 630 of the Companies Act is

maintainable against the legal heirs of the deceased employees for retrieval of the company's property. The question raised is no more res integra as it is covered by the decision of the Apex Court rendered in the case of Abhilash Vinodkumar Jain vs. Cox & Kings (India) Ltd. & Ors., reported in JT 1995 (3) SC 528. The apex court answered the query raised in the present application in affirmative.

2. Mr P V Hathi, learned Advocate appearing for the legal heirs of the employee has invited my attention to some of the observations of the Apex Court in para 18. I have gone through the judgment and in my view, the attempt made by Mr Hathi to distinguish the case cannot sustain. This contention may be raised before the learned Magistrate, if so desired.

3. In view of the aforesaid, this group of Revision Application is allowed. The impugned order passed by the learned JMFC, Dwarka is restored. The application filed by the petitioner shall be disposed of by the learned JMFC, Dwarka, in accordance with law.

Rule made absolute to the aforesaid extent.

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